

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,
Plaintiff,
v.
CORY R. REIHART,
Defendant.

No. 1:16-cr-00169-SAB

**ORDER GRANTING MOTION
FOR PROTECTIVE ORDER
REGULATING DISCLOSURE
OF DISCOVERY AND
SENSITIVE INFORMATION**

Before the Court is the government's Motion for a Protective Order Regulating Disclosure of Discovery and Sensitive Information, ECF No. 15, and a related motion to expedite, ECF No. 16. The government avers that this case requires the dissemination of sensitive discovery material, including medical records of hospital patients, victims of the alleged crime, and Defendant. The Court finds that good cause exists under Fed. R. Crim. P. 16(d)(1) to grant the motion for protective order. The Court enters the following restrictions on discovery, below.

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1 Accordingly, **IT IS HEREBY ORDERED:**

2 1. The government's Motion for a Protective Order, ECF No. 15, is

3 **GRANTED.**

4 2. The related motion to expedite, ECF No. 16, is **GRANTED**.

5 3. The United States is authorized to disclose the discovery and confidential
6 medical information materials (hereinafter "Discovery") in its possession pursuant
7 to the discovery obligations imposed by this Court.

8 4. Government personnel and counsel for Defendant shall not provide, or
9 make available, the Discovery to any person except as specified in this Order or by
10 approval from this Court. Therefore, defense counsel and the Government shall
11 restrict access to the Discovery, and shall only disclose the Discovery to their
12 client, office staff, investigators, independent paralegals, necessary third-party
13 vendors, consultants, and/or anticipated fact or expert witnesses to the extent that
14 defense counsel believes is necessary to assist in the defense of their client in this
15 matter or that the Government believes is necessary in the investigation and
16 prosecution of this matter.

17 5. Third parties contracted by the United States or defense counsel to
18 provide expert analysis or testimony may possess and inspect the Discovery, but
19 only as necessary to perform their case-related duties or responsibilities in this
20 matter. At all times, third parties shall be subject to the terms of this Order.

21 6. Discovery in this matter will be made available to defense counsel via
22 access to a case file on USA File Exchange. If necessary to review discovery with
23 their respective clients, defense counsel may download the discovery and
24 duplicate only once. Discovery materials may not be left in the possession of the
25 defendants. In order to provide discovery to a necessary third-party vendor,
26 consultant, and/or anticipated fact or expert witness, defense counsel may
27 duplicate the discovery only once. No other copies shall be made, by defense
28 counsel or the defendants, without prior approval from this Court.

1 7. To the extent that defense counsel makes any portion of the Discovery
2 available in paper format to anyone, including their clients, outside of counsel's
3 office, defense counsel shall ensure that any and all sensitive and confidential
4 medical information is redacted or removed.

5 8. All counsel of record in this matter, including counsel for the United
6 States, shall ensure that any party, including the Defendant, that obtains access to
7 the Discovery is provided a copy of this Order. No other party that obtains access
8 to or possession of the Discovery shall retain such access or possession unless
9 authorized by this Order, nor further disseminate the Discovery except as
10 authorized by this Order. Any other party that obtains access to, or possession of,
11 the Discovery once the other party no longer requires access to or possession of
12 the Discovery shall promptly destroy or return the Discovery once access to
13 Discovery is no longer necessary. For purposes of this Order, "other party" is any
14 person other than counsel for the United States, counsel for defendants, or the
15 defendants.

16 9. All counsel of record, including counsel for the United States, shall keep
17 a list to identify each person to whom the Discovery is disclosed and who was
18 advised of the requirements of this Order. Neither counsel for each of the
19 defendants, nor the counsel for the United States, shall be required to disclose this
20 list of persons unless ordered to do so by the Court.

21 10. Upon entry of a final order of the Court in this matter and conclusion of
22 any direct appeals, government personnel and counsel for defendants shall retrieve
23 and destroy all copies of the Discovery, except that counsel and government
24 personnel may maintain copies in their closed files following their customary
25 procedures.

26 11. Government personnel and counsel for Defendants shall promptly report
27 to the Court any known violations of this Order.

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2 **IT IS SO ORDERED.** The District Court Executive is hereby directed to
3 file this Order and provide copies to counsel.
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5 **DATED** this 19th day of January, 2017.
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8 A handwritten signature in blue ink that reads "Stanley A. Bastian".
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10 Stanley A. Bastian
11 United States District Judge
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